

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CLIFFORD TUTTLE, et. al.

Consolidated with

JOHN NICHOLAS, et.al.

Plaintiffs,

v.

CITY OF HOUSTON; ART ACEVEDO,  
et. al.

Defendants.

Case No. 4:21-cv-00270

(JURY DEMANDED)

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**PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL OF DEFENDANT ART  
ACEVEDO IN HIS OFFICIAL CAPACITY**

COMES NOW, Plaintiffs, and file this Motion for Voluntary Dismissal of Defendant Art Acevedo in his official capacity as the chief of police of the Houston Police Department, and would respectfully show the Court as follows:

Defendant moved to dismiss Acevedo in his official capacity as the chief of police of the Houston Police Department. Plaintiffs are unopposed to this motion and hereby voluntarily dismisses Acevedo only in his official capacity as the chief of police of the Houston Police Department. Plaintiffs maintain their claims against the City of Houston. Because Plaintiffs' claims against Acevedo, in his official capacity as the chief of police, are redundant of the claims against the City of Houston, Plaintiffs request that Acevedo is dismissed from this lawsuit in his official capacity as the chief of police. In addition, Defendant Art Acevedo, In His Official Capacity As The Chief Of Police Of The Houston Police Department's *Motion For Judgment On*

*The Pleadings* is moot.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request to have their claims against Art Acevedo, in his official capacity as the chief of police, dismissed without prejudice.

Respectfully submitted,

**DOYLE DENNIS LLP**



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**ATTORNEYS FOR PLAINTIFFS**

**Patricia Nicholas, as temporary administrator of  
the Estate of Rhogena Nicholas and Jo Ann  
Nicholas, individually and as an heir of the Estate  
of Rhogena Nicholas**

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing document was forwarded to the following counsel of record on this the 4th day of October, 2023, via CM/ECF, hand delivery, electronic mail, overnight courier, U.S. Mail, certified mail, return receipt request, and/or facsimile, pursuant to the Federal Rules of Civil Procedure.

A handwritten signature in black ink, appearing to read "M. P. Doyle", is written over a horizontal line.

MICHAEL PATRICK DOYLE